

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Haber, et al.

Serial No. 10/808,682

Filed: March 25, 2004

For: METHOD FOR DISRUPTING CELLS THAT LACK A

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**CELL WALL** 

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

Art Unit:	1651	_
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Examiner: Not Yet Assigned

## INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97

Sir:

- 1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).
- 2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.
- Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.
- 4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

y 2 1 \_\_\_\_\_\_\_ Date 4706

PATENT Case No.	21192
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ursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited

by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120

are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

		RELATED APP	TED APPLICATION				
	U. S. SERIAL NUMBER	FILING DATE	MERCK CASE				
If th	nis is inconvenient, additional copies will be submitted upon request						
	6. In accordance with 37 C.F.R. 1.97, (check one)						
	the attached information is filed within three months of the filing da	te of the captioned case.					
$\checkmark$	the attached information is filed more than three months after the file Office Action on the merits.	iling date but prior to the ma	ailing of a first				
	the attached information is filed before the mailing of a first Office a examination under §1.114.	action after the filing of a re	quest for continued				
	the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action, Notice of Allowance, or an action that otherwise closes prosecution in the application. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).						
	each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.						
	each item of information contained in the information disclosure start a foreign patent office in a counterpart application and this communication of the designated in §1.56(c) more than thirty days prior to the filing of the	nication was not received b	y any individual				
	no item of information contained in this Information Disclosure Stat foreign patent office in a counterpart foreign application, and, to the after making reasonable inquiry, was known to any individual designments prior to the filing of this Statement.	knowledge of the person	signing the certification				
		Respectfully submitted	<del>-</del>				
		By: Heidi M. Struse					
		Attorney For Appl	icant(s)				
		Reg. No. <u>50,288</u>					
		MERCK & CO., INC. Patent Dept., RY60-30					
		P.O. Box 2000	_				
		Rahway, N.J. 07065-0907	•				
		(732)594- <u>0238</u> Date: <u>April 7, 2006</u>					
		Date. <u>April 7, 2000</u>					

						Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
•	Substitu	nte for form 1449A/PTO			. (	COMPLETE IF KNOWN .
INFORMATION DISCLOSURE			CLOSURE	Application Number	10/808,682	
					Filing Date	March 25, 2004 entor Charbel Haber
( )	STATEMENT BY APPLICANT			PLICANI	First Named Inventor	Charbel Haber
	(yee as many sheets as necessary)				Group Art Unit	1651
MADEMANTS Hany S	geo as many sneets	s as n	ecessary)	Examiner Name		
<b>`</b>	Sheet	1	of	1	Attorney Docket Number	21192
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			U.S. PA	ATENT DOCUMENTS	-
Examiner Initials*	Cite No.	U.S. Patent Document Number	Kind Code (if known)		Date of Publication of Cited Document MM-DD-YYYY
	1	5,721,120		Seifert, et al.	02/24/1998
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FOREIGN PATENT DOCUMENTS						
			Foreign Patent Docume	ent		Date of Publication of
Examiner Initials*		Office	Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Cited Document MM-DD-YYYY
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			-			
- 5						
Examine Signatur	er e				Date Considered	

<sup>\*</sup>Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.